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09/713,115	11/15/2000	John Robert Van Wiemeersch	200-0289	3382

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EXAMINER

AFSHAR, KAMRAN

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,115

Applicant(s)

VAN WIEMEERSCH ET AL.

Examiner

Kamran Afshar, 703-305-7373

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/15/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2681

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Weisshaar (U.S. patent 6,580,916 B1).

With respect to claims 1, 10, Weisshaar discloses method / a remote command system for a vehicle (See Co. 1, Lines 35-54 110, 108, 109, 106 of Fig. 1), a portable handheld short-range transmitter (See Co. 1, Lines 55-60); a short-range wireless receiver mounted on the vehicle (See Co. 4, Lines 1-10), short-range wireless receiver being capable of receiving a coded signal having a first predefined protocol from portable handheld (108 of Figs. 1-2 138, 140 of Fig. 2, Co. 3, Line 62 –Co. 4, Line 11), short range transmitter coded signal containing a command to operate a predefined vehicle function, short-range wireless receiver sends commands that operate predefined vehicle functions (See Co. 5, Lines 18-37 & 136, 138, 140, 142, 110, 106 of Fig. 2); a long-range wireless communication system for sending a coded signal having a second predefined protocol that is different from first predefined protocol (See 110, 106, 142 of Figs. 1-2) ; and a gateway device mounted on vehicle whereby gateway device receives coded signal from long-range wireless communication device (See Co. 5, Lines 1-10, & 108, 142, 122, 144, 159, 106, 110 of Figs.1-2) translates coded signal to first predefined protocol and communicates (See Co. 4, Lines 38-45) translated signal to short-range receiver (See Co. 1, Lines 55-60, 108, 136, 138, 140, 142, 110, 106 of Fig. 2).

Art Unit: 2681

Regarding claim 2, Weisshaar discloses a long-range receiver (108, 142, 122, 144, 159, 106, 110 of Figs.1-2) that is capable of receiving coded signal from long-range wireless communication device; and a wireless signal (See Co. 4, Lines 38-45) transmitter located on the vehicle for transmitting a command to short-range receiver using first predefined protocol (See Co. 5, Lines 1-10)

Regarding claim 3, Weisshaar discloses wireless signal transmitter is a RF transmitter (See Co. 5, Line 64 – Co. 6, Line 4).

Regarding claim 4, Weisshaar discloses long-range wireless communication system is a cellular system (See Co. 5, Line 64 – Co. 6, Line 4, Figs. 1-2).

Regarding claim 5, Weisshaar discloses long-range wireless communication system is a satellite system (See Co. 4, Lines 20-24).

Regarding claim 6, Weisshaar discloses long-range wireless communication is a digital broadcast system (See Co. 3, Line 50 – Co. 4, Line 10).

Regarding claim 7, Weisshaar discloses long-range wireless communication system is an Internet connection (See Co. 1, Lines 35-60 & 114 of Fig.1).

Regarding claim 8, Weisshaar discloses long-range wireless communication system is a phone connection (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

Regarding claim 9, Weisshaar discloses long-range wireless communication system is a pager system (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

Regarding claim 11, Weisshaar discloses receiving a long-range command further comprises receiving long-range command by a long-range receiver (108, 142, 122, 144, 159, 106, 110 of Figs.1-2); and step of transmitting translated long-range command to a short-range wireless receiver further comprises transmitting (See Co. 5, Lines 1-10) translated long range command by a wireless transmitter located on vehicle (See Co. 4, Lines 38-45).

Regarding claim 12, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a cellular system (See Co. 5, Line 64 – Co. 6, Line 4, Figs. 1-2).

Regarding claim 13, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a satellite system (See Co. 4, Lines 20-24).

Art Unit: 2681

Regarding claim 14, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a digital broadcast system (See Co. 3, Line 50 – Co. 4, Line 10).

Regarding claim 15, Weisshaar discloses receiving a long-range command further comprises

Regarding claim 16, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a phone connection (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

Regarding claim 17, Weisshaar discloses receiving a long-range command further comprises receiving a long-range command from a pager system (See Co. 1, Lines 35-60, Co. 3, Line 62 – Co. 4, Line 10 & 108 of Fig.1).

### **Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached @ (703) 305-4040. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314 for all communications.

  
**Kamran Afshar**

  
**SINH TRAN**  
**PRIMARY EXAMINER**